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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERTO ARTEAGA ET AL.,

Defendants.

CASE NO. 1:23-CR-00149-JLT-SKO

STIPULATION AND ORDER REGARDING
EXCLUDABLE TIME PERIODS UNDER SPEEDY
TRIAL ACT

DATE: 8/21/2024
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

BACKGROUND

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through defendants' counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status conference on 8/21/2024.
2. By this stipulation, defendants now move to vacate the status conference and set a trial on 7/15/2025, and to exclude time between 8/21/2024, and 7/15/2025, under 18 U.S.C. § 3161(h)(7)(A), B (i), (iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes cellphone extractions, investigative reports, and various media evidence. These materials have been produced to the defense and/or made available for inspection and copying.
 - b) Counsel for defendants desire additional time consult with their clients, review the

1 voluminous discovery, conduct independent investigation, and pursue a potential pretrial
2 resolution of the case. In addition, the government and defense counsel have been in plea
3 negotiations and the government is finalizing plea offers for all defendants.

4 c) Counsel for defendants believe that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of 8/21/2024 to 7/15/2025, inclusive,
13 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv) because failure to
14 grant the continuance would deny the defendant reasonable time to obtain counsel, would
15 unreasonably deny the defendant or the Government continuity of counsel, or would deny
16 counsel for the defendant or the attorney for the Government the reasonable time necessary for
17 effective preparation, taking into account the exercise of due diligence.

18 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
19 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
20 must commence.

21 IT IS SO STIPULATED.

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24 Dated: August 9, 2024

PHILLIP A. TALBERT
United States Attorney

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26 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
27 Assistant United States Attorney
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1 Dated: August 9, 2024

/s/ Miles Harris

Miles Harris

Counsel for Defendant

Gilberto Arteaga

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4 Dated: August 9, 2024

/s/ Melissa Baloian

Melissa Baloian

Counsel for Defendant

Juan Castro

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6
7 Dated: August 9, 2024

/s/ Michael G. McKneely

Michael G. McKneely

Counsel for Defendant

Shannon Calhoun

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9
10 Dated: August 9, 2024

/s/ Richard A. Beshwate

Richard A. Beshwate

Counsel for Defendant

Richard Garcia

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14 **ORDER**

15 IT IS SO ORDERED.

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18 DATED: 8/14/2024

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE